



City of Carlsbad

Planning Department

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

CASE NAME: Nonconforming Buildings and Uses Ordinance Revision
CASE NO: ZCA 09-01/LCPA 09-01
PROJECT LOCATION: Citywide

PROJECT DESCRIPTION: This proposal includes a City-initiated Zone Code Amendment (ZCA) and Local Coastal Program Amendment (LCPA) to: 1) rescind and replace the Nonconforming Buildings and Uses Chapter of the Zoning Ordinance, 2) include new and amended associated definitions in Chapter 21.04- Definitions, and 3) amend Chapter 21.46 -Yards to delete Section 21.46.210. The new ordinance is applicable to structures or uses that were legally established (with building permits), but do not conform to current regulations. The proposed amendments would: allow non-conforming residential and non-residential structures and nonconforming residential uses to expand by a new administrative Nonconforming Construction Permit; allow non-conforming non-residential uses to expand by Conditional Use Permit; preserve the City's right to abate a legal non-conforming use or structure that is no longer desirable; include an abatement process; and, would amend the provisions that relate to nonconforming lots and relocate those provisions from Section 21.46.210 to Section 21.48.040; and would include additional applicable definitions in CMC Chapter 21.04 for clarity. The project applies to regulations that are applicable to properties citywide. There is no specific project site with a specific environmental setting or surrounding land uses.

PROPOSED DETERMINATION: The City of Carlsbad has conducted an environmental review of the above described project pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA) and the Environmental Protection Ordinance of the City of Carlsbad. As a result of said review, the initial study (EIA Part 2) did not identify any potentially significant impacts on the environment. Therefore, a **Negative Declaration** will be recommended for adoption by the City of Carlsbad Planning Commission.

A copy of the initial study (EIA Part 2) documenting reasons to support the proposed Negative Declaration is on file in the Planning Department, 1635 Faraday Avenue, Carlsbad, California 92008. Comments from the public are invited. Pursuant to Section 15204 of the CEQA Guidelines, in reviewing Negative Declarations, persons and public agencies should focus on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project may have a significant effect, they should: (1) identify the specific effect; (2) explain why they believe the effect would occur; and (3) explain why they believe the effect would be significant. Please submit comments in writing to the Planning Department within 30 days of the date of this notice.

The proposed project and Negative Declaration are subject to review and approval/adoption by the City of Carlsbad Planning Commission and City Council. Additional public notices will be issued when those public hearings are scheduled. If you have any questions, please call Barbara Kennedy in the Planning Department at (760) 602-4626.

PUBLIC REVIEW PERIOD May 8, 2009 – June 7, 2009
PUBLISH DATE May 8, 2009

